

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO.23163 OF 2005**

**Dated 27<sup>th</sup> October 2005**

**Between:**

M.Moksham S/o.M.Shantappa

**...Petitioner**

And

APSRTC, rep. by its Managing Director,

Musheerabad, Hyduerabad & another.

**...Respondents**

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO.23163 OF 2005**

**ORDER:**

The petitioner was initially employed as Traffic Inspector on 25.9.1975. In 1997, he was promoted as Depot Manager. In the year 2003, disciplinary proceedings were initiated against him, by the second respondent, on certain allegations. Through order, dated 27.10.2003, the second respondent removed the petitioner from service, on the basis of the report submitted by the Enquiry Officer. The petitioner challenged the same by filing W.P.No.23199 of 2003. This Court allowed the writ petition, on the ground that though the enquiry officer held that the charges were partly proved, the second respondent took the charges, as having been proved, without issuing a notice separately, there for, and ultimately remanded the matter to the second respondent, for fresh consideration. Writ Appeal No.217 of 2005, filed by the respondents, was dismissed. The second respondent passed an order, dated 8.9.2005, imposing the punishment of reversion, to the post of Assistant

Manager (Traffic), for a period of two years. The same is challenged in this writ petition.

Sri G.Vidya Sagar, learned counsel for the petitioner, submits that the petitioner is due to retire in January 2006, and despite the same, the second respondent imposed the punishment of reversion, for a period of two years. He contends that it is a clear case of non-application of mind. Several other grounds are also urged by the learned counsel.

Sri V.T.M.Prasad, learned Standing Counsel for the respondents, on the other hand, submits that the petitioner had an effective alternative remedy of appeal, against the impugned order, and that he can be required to avail the same.

This Court is not inclined to examine the various contentions made on behalf of the petitioner, for the simple reason that the petitioner had an effective alternative remedy of appeal, by way of filing an appeal before the first respondent. The appellate authority would be in a better position to appreciate the matter from various angles. It is true that the petitioner is due to retire in January 2006. Before that date, the appeal has to be disposed of.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal, within two weeks from today. On receipt of the same, the first respondent shall dispose of the appeal, within a period of four weeks, thereafter. There shall be no order as to costs.

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**27<sup>th</sup> October 2005**

Note: Issue C.C. in three days.

(B/o)

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